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U.S. PTO

PTO/SB/05 (08-03)

Approved for use through 07/31/2006. OMB 0651-0032  
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# UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 C.F.R. 1.53(b))

Attorney Docket No.	SMY-111.01
First Inventor	David L. Detlefs
Title	Concurrent-Marking-Initiation Heuristic
Express Mail Label No.	EV327706047US

**APPLICATION ELEMENTS**

See MPEP chapter 600 concerning utility patent application contents.

1.  Fee Transmittal Form (e.g., PTO/SB/17)  
*(Submit an original and a duplicate for fee processing)*
2.  Applicant claims small entity status.  
See 37 CFR 1.27.
3.  Specification [Total Pages 59]  
*(preferred arrangement set forth below)*  
 - Descriptive title of the Invention  
 - Cross Reference to Related Applications  
 - Statement Regarding Fed sponsored R & D  
 - Reference to sequence listing, a table, or a computer program listing appendix  
 - Background of the Invention  
 - Brief Summary of the Invention  
 - Brief Description of the Drawings (*if filed*)  
 - Detailed Description  
 - Claim(s)  
 - Abstract of the Disclosure
4.  Drawing(s) (35 U.S.C. 113) [Total Sheets 19]
5. Oath or Declaration [Total Sheets 2]  
 a.  Newly executed (original or copy)  
 b.  Copy from a prior application (37 CFR 1.63 (d))  
*(for a continuation/divisional with Box 18 completed)*  
 i.  **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6.  Application Data Sheet. See 37 CFR 1.76

**ADDRESS TO:**
**Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450**

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10/799187

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7.  CD-ROM or CD-R in duplicate, large table or Computer Program (*Appendix*)  
 8. Nucleotide and/or Amino Acid Sequence Submission (*if applicable, all necessary*)  
 a.  Computer Readable Form (CRF)  
 b. Specification Sequence Listing on:  
 i.  CD-ROM or CD-R (2 copies); or  
 ii.  Paper  
 c.  Statements verifying identity of above copies

**ACCOMPANYING APPLICATIONS PARTS**

9.  Assignment Papers (cover sheet & document(s))  
 10.  37 C.F.R. 3.73(b) Statement  Power of Attorney  
 11.  English Translation Document (*if applicable*)  
 12.  Information Disclosure Statement (IDS)/PTO-1449  Copies of IDS Citations  
 13.  Preliminary Amendment  
 14.  Return Receipt Postcard (MPEP 503)  
*(Should be specifically itemized)*  
 15.  Certified Copy of Priority Document(s) (*if foreign priority is claimed*)  
 16.  Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.  
 17.  Other: Certificate of Express Mail; Check in the amount of \$1526

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

Continuation  Divisional  Continuation-in-part (CIP)  
 Prior application information: Examiner \_\_\_\_\_ of prior application No: \_\_\_\_\_ / \_\_\_\_\_  
 Art Unit: \_\_\_\_\_

For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

**19. CORRESPONDENCE ADDRESS** Customer Number

25181

OR  Correspondence address below

Name			
Address			
City	State	Zip Code	
Country	Telephone	Fax	

Name (Print/Type)	Joseph H. Born	Registration No. (Attorney/Agent)	28,283
Signature			Date

March 12, 2004

This collection of information is required by 37 CFR 1.53(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

## Certificate of Express Mailing under 37 CFR 1.10

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as Express Mail in an envelope addressed to:

Mail Stop: Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Express Mail No:  
on EV327706047US

Date March 12, 2004



Signature

Shirine Darvish

Typed or printed name of person signing Certificate

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

Utility Patent Application Transmittal (1 pg.); Fee Transmittal (1 pg.); Utility Patent Application consisting of Specification (58 pgs.) and Drawings (19 sheets); Executed Declaration for Patent Application (2 pgs.); Application Data Sheet (3 pgs.); Recordation Form Cover Sheet (1 pg.); Executed Assignment (2 pgs.); Return Receipt Postcard (1 pg.); Nonpublication Request (1 pg.); Certificate of Express Mailing (1 pg.); Check in the amount of \$1526.00 (1 pg.).

This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 1526.00)

Complete if Known	
Application Number	Not yet assigned
Filing Date	March 12, 2004
First Named Inventor	David L. Detlefs
Examiner Name	Not yet assigned
Art Unit	Not yet assigned
Attorney Docket No.	SMY-111.01

METHOD OF PAYMENT (check all that apply)				FEE CALCULATION (continued)			
<input checked="" type="checkbox"/> Check <input type="checkbox"/> Credit card <input type="checkbox"/> Money <input type="checkbox"/> Other <input type="checkbox"/> None <input type="checkbox"/> Deposit Account: Deposit Account Number      06-1448, Reference: SMY-111.01				<b>3. ADDITIONAL FEES</b> Large Entity      Small Entity			
<input type="checkbox"/> Charge fee(s) indicated below <input checked="" type="checkbox"/> Credit any overpayments <input type="checkbox"/> Charge any additional fee(s) during the pendency of this application <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.				Fee Code      Fee (\$)	Fee Code      Fee (\$)	Fee Description	Fee Paid
				1051	130	2051	65
				1052	50	2052	25
				1053	130	1053	130
				1812	2,520	1812	2,520
				1804	920*	1804	920*
				1805	1,840*	1805	1,840*
				1251	110	2251	55
				1252	420	2252	210
				1253	950	2253	475
				1254	1,480	2254	740
				1255	2,010	2255	1,005
				1401	330	2401	165
				1402	330	2402	165
				1403	290	2403	145
				1451	1,510	1451	1,510
				1452	110	2452	55
				1453	1,330	2453	665
				1501	1,330	2501	665
				1502	480	2502	240
				1503	640	2503	320
				1460	130	1460	130
				1807	50	1807	50
				1806	180	1806	180
				8021	40	8021	40
				1809	770	2809	385
				1810	770	2810	385
				1801	770	2801	385
				1802	900	1802	900
				Other fee (specify) _____			
				*Reduced by Basic Filing Fee Paid      SUBTOTAL (3) (\$ 40)			

\*\*or number previously paid, if greater; For Reissues, see above

SUBMITTED BY			Complete (if applicable)		
Name (Print/Type)	Joseph H. Born	Registration No. (Attorney/Agent)	28,283	Telephone	(617) 832-1134
Signature			Date	March 12, 2004	

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing this form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

**NONPUBLICATION REQUEST  
UNDER  
35 U.S.C. 122(b)(2)(B)(i)**

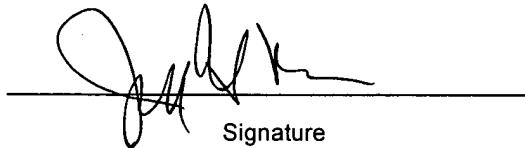
First Named Inventor	David L. Detlefs
Title	Concurrent-Marking-Initiation Heuristic
Atty Docket Number	SMY-111.01

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing.

I hereby request that the attached application not be published under 35 U.S.C. 122(b).

March 12, 2004

Date



Signature

(617) 832-1000

Telephone number

Joseph H. Born

Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

This collection of information is required by 37 CFR 1.213(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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